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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

Letters Patent Appeal
Nos.977, 978, 979, and 980 of 1995
with
Letters Patent Appeal No.460 of 1997
with
Special Civil Application No.1843 of 1997
.....

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. K.SREEDHARAN and
MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?-Yes.

2. To be referred to the Reporter or not?-Yes.

3. Whether Their Lordships wish to see the fair copy of the judgement?-No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No. @

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5. Whether it is to be circulated to the Civil Judge?-No.

DISTRICT PRIMARY EDUCATION OFFICER

Versus

DIRECTOR OF PRIMARY EDUCATION

Appearance:

Letters Patent Appeal Nos. 977, 978, 979 and 980 of 1995 :

Mr.D.D. Vyas, Advocate, for the Appellant in each matter.

Mr.D.P. Joshi, Assistant Government Pleader, for respondent No.1 in each matter.

Mr.Jivanlal M. Patel, Advocate, for respondent No.2 in each matter.

Letters Patent Appeal No.460 of 1997 :-

Mr. Hashim Qureshi, Advocate, for the appellant.

Mr.D.P. Joshi, Assistant Government Pleader, for the respondents.

Special Civil Application No.1843 of 1997 :

Mr.Dhirendra K. Mehta, Advocate, for the petitioner.

Mr.D.P. Joshi, Assistant Government Pleader, for the respondents.

CORAM : THE CHIEF JUSTICE MR. K.SREEDHARAN and
MR.JUSTICE A.R.DAVE

Date of decision: 02/04/98

Oral Judgment (Per K. Sree)

The issue raised in these cases is whether a candidate, who applied for recruitment under Gujarat Panchayat Service (Recruitment of Private Teacher) Rules, 1970, should complete the age of 18 on 1st July of the year in which the Notification is issued or the subsequent year in which the process of recruitment,

viz., the interview, takes place. This issue is covered by our decision dated 10.3.1998, in Letters Patent Appeal No.289 of 1993 and connected matters. We took the view that the eligibility of a candidate regarding the age for the post of Primary Teacher is to be assessed with reference to the 1st July of the year in which Notification is issued and not otherwise. In the light of that decision, which is binding on us, petitioners in the Special Civil Applications are not entitled to any of the reliefs asked for. Consequently, Letters Patent Appeal Nos. 977, 978, 979 and 980 of 1995 are allowed, and Letters Patent Appeal No.460 of 1997 and Special Civil Application No.1843 of 1997 are dismissed. Rule issued in Special Civil Application No.1843 of 1997 is discharged. Interim relief is vacated.

(apj)